

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
November 9, 2006

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of City Hall, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Council Member Dunn and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Council Member Larry Spell
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

ABSENT: Mayor Pro-Tem Mildred A. Council

APPROVAL OF AGENDA

City Manager Bowers asked the Council to add an item to the agenda as Item #12A--Confirm the Recreation and Parks Commission's decision to locate the Challenger Baseball Field at Elm Street Park. He also asked that the authorization to submit a grant application to the EPA for a Communitywide Brownfield Assessment Grant be added as Item #17.

Motion was made by Council Member Craft and seconded by Council Member Spell to approve the agenda with the addition of Item #12A—"Confirm the Recreation and Parks Commission's decision to locate the Challenger Baseball Field at Elm Street Park" and Item #17—"Authorization to submit a grant application to the EPA for a Communitywide Brownfield Assessment Grant". Motion carried unanimously.

SPECIAL RECOGNITIONS

The builders who constructed houses in Countryside Estates were presented plaques for their efforts to provide affordable housing for flood victims and low to moderate-income individuals. Those contractors were:

- All Properties Inc. for land and infrastructure installation
- Bill Clark Construction for the construction of five homes
- Burney and Burney Construction for the construction of 10 homes
- Raymond Carney Construction for the construction of 73 homes
- Chance and Smith Construction for the construction of 16 homes

- S. E. Sasser Construction for the construction of 1 home

Mayor Parrott stated that partnerships like this help build a quality city. He thanked the developers for the role they play in helping to provide affordable housing.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Redevelopment Commission

Motion was made by Council Member Craft and seconded by Council Member Spell to reappoint Melissa Hill to serve a first five-year term to expire November 2011. Motion carried unanimously. (NOTE: This was Mayor Pro-Tem Council's appointment. She was absent; however, this was the recommendation she made at the November 6, 2006 meeting.)

Motion was made by Council Member Dunn and seconded by Council Member Craft to reappoint Robert Thompson to serve a first five-year term expiring November 2011. Motion carried unanimously.

Youth Council

Motion was made by Council Member Spell and seconded by Council Member Dunn to appoint Matthew Edwards for a first one-year term expiring September 30, 2007. Motion carried unanimously. (NOTE: This was Mayor Pro-Tem Council's nomination. She was absent; however, this was the recommendation she made at the November 6, 2006 meeting.)

Appointments to Investment Advisory Committee

Mayor Parrott announced that he will be the Council liaison to the Investment Advisory Committee.

Upon the recommendation by Mayor Parrott that Frederick (Rick) Niswander be appointed to serve an initial three-year term, that William Wilkerson be appointed to serve an initial two-year term and that David Damm be appointed to serve an initial one-year term, motion was made by Council Member Little and seconded by Council Member Spell to make the appointments as recommended. Motion carried unanimously.

Nomination for the Pitt County Development Commission

Motion was made by Council Member Craft and seconded by Council Member Little to nominate Ruth Leggett as a City of Greenville representative to the Pitt County Development Commission for a first three-year term expiring December 2009 to replace Joel Butler, who is ineligible for reappointment. Motion carried unanimously.

ORDINANCE (REQUESTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT, AS RECOMMENDED BY THE TASK FORCE ON PRESERVATION OF NEIGHBORHOODS AND HOUSING AND THE REDEVELOPMENT COMMISSION) REZONING 276.16+ ACRES (EXCLUDING STREET RIGHTS-OF-WAYS) LOCATED IN THE AREA SOUTH OF MARTIN LUTHER KING JR. DRIVE, WEST OF ALBEMARLE AVENUE, NORTH OF FARMVILLE BOULEVARD, AND 780+ FEET EAST OF MEMORIAL DRIVE; IN THE AREA EAST OF EVANS STREET, SOUTH OF GREENVILLE BOULEVARD, WEST OF ARLINGTON BOULEVARD, AND NORTH OF FIRE TOWER ROAD; AND IN THE AREA EAST OF THE SEABOARD COASTLINE RAILROAD, SOUTH OF ARLINGTON BOULEVARD, AND NORTH OF GREENVILLE BOULEVARD FROM R6, CH, IU, RA20, AND R9 TO R6S, R9S, AND R15S - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on October 30 and November 5, 2006 setting this time, date and place for a public hearing to consider a request by the Community Development Department as recommended by the Task Force on Preservation of Neighborhoods and Housing and the Redevelopment Commission) to rezone 276.16± acres (excluding street rights-of-ways) located in the area south of Martin Luther King Jr. Drive, west of Albemarle Avenue, north of Farmville Boulevard, and 780± feet east of Memorial Drive; in the area east of Evans Street, south of Greenville Boulevard, west of Arlington Boulevard, and north of Fire Tower Road; and in the area east of the Seaboard Coastline Railroad, south of Arlington Boulevard, and north of Greenville Boulevard from R6, CH, IU, RA20, and R9 to R6S, R9S, and R15S. The Planning and Zoning Commission at its October 17, 2006 meeting voted to approve the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and explained the request. He stated that this area includes part of a certified redevelopment area. The request is in compliance with the Comprehensive Plan. Tract 1 consists of West Greenville, which is currently zoned R6, CH and IU. The proposed zoning is R6S. This area is not impacted by the floodplain, and there is a high percentage (54%) of rental property in the area. Tract 2 consists of Pinewood Forest, which is currently zoned RA20. The proposed zoning is R9S, and the rental percentage in this subdivision is 18%. There are 40 lots in this subdivision, a few of those being vacant. Tract 3 consists of Bedford, which is currently zoned R6 and R9. The proposed zoning is R6S and R9S. There are 291 lots in this subdivision, and the rental percentage is only six percent. Tract 3 consists of Lakewood Pines, which is currently zoned R6. The proposed zoning is R6S and R15S. There are 31 lots in this subdivision, and the rental occupancy is 26%. Tract 5 consists of Brentwood Subdivision, which is currently zoned R9. The proposed zoning is R9S. There are 116 lots in this subdivision, and the rental occupancy is 16%. The rezoning of these five subdivisions was recommended by the Task Force for the Preservation of Neighborhoods.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. George Vincent Campbell Jr. stated that he lives on Lot 15 in Pinewood Forest. He questioned why the City is doing this, and Mr. Hamilton responded that the goal of this rezoning effort is to rezone just under 4000 lots from zoning districts that would have allowed duplexes or multi-family to a single-family designation. The intent is to stabilize neighborhoods and show a commitment to the neighborhoods. It will prohibit multi-family developments or duplexes.

Mr. Campbell explained that there are snakes in the ditch and nobody has tried to curb that situation.

Mayor Parrott suggested that Mr. Campbell talk with Mr. Tysinger, Director of Public Works about this.

Mr. Linwood Simpson, who lives in Glenwood Forest, stated that he endorses what the City Council is attempting to do and will help any way he can.

Mr. Mike Pucheria stated that he lives on Evans Street, where he moved one and a half years ago. Brentwood Subdivision is behind him. One of the selling points of the house was the single-family homes in the area. He felt it was a great idea to try to keep that. Greenville is a great city and his family likes it here very much.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Council Member Little to adopt the ordinance rezoning 276.16± acres (excluding street rights-of-ways) located in the area south of Martin Luther King Jr. Drive, west of Albemarle Avenue, north of Farmville Boulevard, and 780± feet east of Memorial Drive; in the area east of Evans Street, south of Greenville Boulevard, west of Arlington Boulevard, and north of Fire Tower Road; and in the area east of the Seaboard Coastline Railroad, south of Arlington Boulevard, and north of Greenville Boulevard from R6, CH, IU, RA20, and R9 to R6S, R9S, and R15S. Motion carried unanimously. (Ordinance No. 06-108)

ORDINANCE REZONING JACK DAIL FARMS, LLC PROPERTY LOCATED ALONG NORTHERN AND SOUTHERN RIGHTS-OF-WAY OF DICKINSON AVENUE, WEST OF INTERSECTION OF ALLEN ROAD AND DICKINSON AVENUE, SOUTH OF TEAKWOOD SUBDIVISION, AND NORTH OF WEST STAR INDUSTRIAL PARK, FROM RA20 TO CH - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on October 30 and November 5, 2006 setting this time, date and place for a public hearing to consider a request by Jack Dail Farms, LLC to rezone 62.470 acres located along the northern and southern rights-of-way of Dickinson Avenue, 715± feet west of the intersection of Allen Road and Dickinson Avenue, south of the Teakwood Subdivision, and north of West Star Industrial Park, from RA20 to CH. The Planning and Zoning Commission at its October 17, 2006 meeting voted to approve the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and stated that two sites are currently vacant, as the dwelling on the property has been removed. This property is not impacted by the floodplain or greenway system. Rezoning of the property at full development could create a net increase of 11,300 trips, of which it is projected that 4520 of those would travel to the west and 6780 would travel to the east. The property is not adjacent to any high density development. The Land Use Plan recognizes this as a regional focus area, and intensive commercial activity is encouraged. It is anticipated that the majority of the property will be for commercial purposes and offices. Once the application for development is turned in, staff will

have a better idea of the impact on the transportation system because a traffic impact study will be required. Mitigation measures may be taken at that time, which could include such things as the widening of Highway 13, restricting drive cuts, increasing turn lanes, intersection improvements, and signal modifications. This request is in compliance with the Comprehensive Plan.

Upon being asked if there will be a buffer for vegetation and a certain amount of footage, Mr. Hamilton replied that is correct. There are a few single-family dwellings and one new dwelling. The person who spoke at the Planning and Zoning Commission was concerned about the buffer and screen. Typically, for this type of zoning, buffers are based on the use, and the typical buffer would be a 30-foot bufferyard for every 100 foot described. It is anticipated that over time, much of this will be developed for commercial purposes.

Upon being asked what kinds of uses this zoning would allow, Mr. Hamilton listed some and stated that the same uses will be allowed that are associated with General Commercial zoning. Also allowed are a wider variety of uses such as auto sales lots, etc., as well as more heavy intensive uses. It is the most intensive commercial district the City has.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin, representing Jack Dail Farms LLC, informed the Council that the property is currently under contract with local developers. He has talked with Mr. Sutton, who voiced some concerns at the Planning and Zoning Commission about buffers. The property owners are talking about the possibility of selling Mr. Sutton a strip of land if it doesn't impede the development. Traffic mitigation will have to be done. Some retail space is needed in this area.

Mrs. Nancy Allen stated that she owns the property Mr. Hamilton referred to. She requested that the Council postpone action on the rezoning for the entrance to Allen Road. It has never been mapped and is not on the tax map. The tax map has always shown her property going to the Deep Branch Canal. She has tried to contact somebody representing Jack Dail Farms and has not been able to speak to anybody as far as coming to some agreement on where the boundary is. Mrs. Allen stated that she has some questions about the amount of land being zoned.

Upon being asked by Mayor Parrott what piece of property is hers, Mr. Hamilton replied that the tax maps do not show the strip of property running to Allen Road. This is based on deeds and the survey that Mr. Baldwin has produced. The City doesn't know and can't settle the dispute regarding the property line. Staff's position is that the entire area is requested for commercial development. If commercial, does not mean it is vested with Mr. Baldwin. Staff is not positive where the property line is. Mr. Baldwin's firm is the surveying firm and has represented that is where it is.

Mrs. Allen stated that there is a record in the courthouse that shows it extending an average of 100 feet. Deep Branch has been moved since that was recorded, and it was first recorded in 1924. She asked that someone from the other side meet with her to come up with some agreement.

Mayor Parrott stated that is a legal matter that would have to be taken up in the courts. He suggested that Mrs. Allen meet with Mr. Baldwin.

Upon being asked by Council Member Dunn if it turns out that the piece of property she is talking about is hers, would it be zoned whatever the Council votes on, City Attorney Dave Holec responded that she would have to come back for an amendment that could be initiated by her as a property owner or City staff.

Upon being asked if Council can pass this with the stipulation that if this turns out to not be her property, it wouldn't be done, City Attorney Holec replied that it would be more appropriate to come back and amend it.

Mrs. Judy Dail Bowen stated that she and her husband have had their family business, Pleasure Ride Auto, there since 1983. She expressed concern about the possibility of losing road frontage with this rezoning.

Mayor Parrott stated that there would be setbacks, etc. so that the entrance and visibility to the business would not be blocked.

Mrs. Bowen stated that her father always promised before he died that they could purchase additional property.

Mr. Hamilton was asked about the setbacks, and he replied that the closest any building could encroach into the road would be 50 feet. There is no screening yard development between the proposed tract and Mrs. Bowen's development. Even though there is no required buffer, someone could always plant trees.

Mr. Mike Bowen stated that he and his wife were the pioneers and built in the middle of a field. Judy Bowen, who previously spoke, is his wife. They have spoken with Mr. Baldwin. When he tried to get asphalt on his lot, he was told that unless he put up a berm or some type of greenery, he couldn't complete the asphalt. His lot is a display lot that has good visibility on Highway 264 on both sides. His concern for the future is that if a berm is put in, since they are in the extraterritorial jurisdiction, they have to follow the greenery law, and whatever is planted in front will hinder the visibility.

Mr. Hamilton stated that the property is currently zoned commercial and the adjacent property is zoned RA-20. As long as that property is RA-20 if anything is done, he will have to install a bufferyard. If the property remains commercial, there is no requirement for a bufferyard on either.

Mayor Parrott asked Mr. Bowen to get with Mr. Hamilton tonight or tomorrow.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance rezoning 62.470 acres located along the northern and southern rights-of-way of Dickinson Avenue, 715± feet west of the intersection of Allen Road and Dickinson Avenue,

south of the Teakwood Subdivision, and north of West Star Industrial Park, from RA20 to CH. Motion carried unanimously. (Ordinance No. 06-109)

ORDINANCE ANNEXING KITTRELL FARMS PATIO HOMES PROPERTY, SECTION 2, PHASE 1, LOCATED EAST OF SIGNATURE DRIVE AND NORTH OF BLUEBILL DRIVE - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on October 30, 2006 setting this time, date and place for a public hearing to consider a request by Kittrell Farms Patio Homes to annex Section 2, Phase 1, containing 1.624 acres located east of Signature Drive and north of Bluebill Drive. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and the proposed use is 10 single family dwellings. The current population is 0, and the anticipated population at full development is 23, with 5 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance annexing Section 2, Phase 1, containing 1.624 acres located east of Signature Drive and north of Bluebill Drive. Motion carried unanimously. (Ordinance No. 06-110)

ORDINANCE ANNEXING COVENTON DOWNE SUBDIVISION PROPERTY, PHASE II, LOT 3A, LOCATED IMMEDIATELY SOUTH OF INTERSECTION OF FIRE TOWER ROAD AND WIMBLEDON DRIVE - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on October 30, 2006 setting this time, date and place for a public hearing to consider a request by Coventon Downe Subdivision to annex Phase II, Lot 3A, containing 0.666 acres located immediately south of the intersection of Fire Tower Road and Wimbledon Drive. This is a contiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and the proposed use is a 7,000 sq. ft. office building. The current population is 0, and the anticipated population at full development is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Glover to adopt the ordinance annexing Phase II, Lot 3A, containing 0.666 acres located immediately south of the intersection of Fire Tower Road and Wimbledon Drive. Motion carried unanimously. (Ordinance No. 06-111)

ORDINANCE ANNEXING LAUREL RIDGE PROPERTY, SECTION 2, LOCATED WEST OF ALLEN ROAD AND SOUTH OF TEAKWOOD SUBDIVISION - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on October 30, 2006 setting this time, date and place for a public hearing to consider a request by Laurel Ridge to annex Section 2, 42.474 acres located west of Allen Road and south of Teakwood Subdivision. This is a noncontiguous annexation.

Mr. Merrill Flood, Director of Community Development, delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and the proposed uses are 52 single family dwellings, 48 duplexes (96 units) and 143 townhomes. The current population is 0, and the anticipated population at full development is 712, with 84 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Glover to adopt the ordinance annexing Section 2, containing 42.474 acres located west of Allen Road and south of Teakwood Subdivision. Motion carried unanimously. (Ordinance No. 06-112)

ORDINANCE (REQUESTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT) AMENDING THE ZONING ORDINANCE TABLE OF USES TO INCLUDE A NEW USE ENTITLED "WINE SHOP" AS A PERMITTED USE IN THE MCG, MCH, CD, CDF, CG, CN, AND CH COMMERCIAL DISTRICTS SUBJECT TO APPLICABLE STATE ALCOHOLIC BEVERAGE CONTROL LAW - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on October 30 and November 5, 2006 setting this time, date and place for a public hearing to consider an ordinance amending ordinance table of uses to include a new use entitled "wine shop" as a permitted use in the MCG, MCH, CD, CDF, CG, CN, and CH commercial districts subject to applicable state alcoholic beverage control law. Motion carried unanimously. The Planning and Zoning Commission at its October 17, 2006 meeting voted to approve the request.

Mr. Harry Hamilton, Chief Planner, stated that the State ABC law has been amended to allow on-premise consumption of wine in addition to wine tasting. A wine shop under the City's zoning ordinance is classified as a grocery—food or beverage establishment—off-premise consumption only. Due to the fact that the State ABC law now allows on-premise consumption, there is an inconsistency between the City Code and the State law. The current wine shop category is permitted within most of the commercial districts. The ABC law has been amended to allow accessory on-premise consumption of wine in addition to wine tasting, provided the sale of wine does not exceed 40% of the establishment's total sales during any 30-day period. Wine shops would be monitored by the State ABC Commission. The proposed ordinance would create a new category entitled wine shop and allow such an establishment as a permitted use within the zones that currently allow a food or beverage store. The proposed ordinance will eliminate the current discrepancy between the local zoning rules and the ABC laws in respect to wine shops.

The ordinance contains specific standards that prevent wine shops from operating as a wine bar or public/private club. Public/private clubs are subject to a special use permit and are located outside the Downtown Sub-Districts Overlay. There is an overlay area in the downtown area called the Downtown District Overlay, and no special use permits can be approved in that area. The wine shop is in the center of the overlay area. If it operates as a public/private club, it will not be able to operate there.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Spell and seconded by Council Member Dunn to adopt the ordinance amending ordinance table of uses to include a new use entitled "wine shop" as a permitted use in the MCG, MCH, CD, CDF, CG, CN, and CH commercial districts subject to applicable state alcoholic beverage control law. Motion carried unanimously. (Ordinance No. 06-113)

AGREEMENT BETWEEN CITY OF GREENVILLE, TOWN OF WINTERVILLE, AND GREENVILLE UTILITIES COMMISSION RELATED TO ESTABLISHMENT OF A BOUNDARY LINE FOR ANNEXATION, EXTRATERRITORIAL JURISDICTION, AND WATER AND SEWER SERVICE - APPROVED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on October 30 and November 5, 2006 setting this time, date and place for a public hearing to consider an agreement between the City of Greenville, Town of Winterville, and Greenville Utilities Commission related to the establishment of a boundary line for annexation, extraterritorial jurisdiction, and water and sewer service. City Manager Bowers reminded the Council that on November 8, 2004, the City Council approved a resolution establishing a joint committee to coordinate future growth occurring between the City of Greenville and the Town of Winterville, Greenville and Greenville Utilities Commission, each having two members on the joint committee. Council Members Pat Dunn and Chip Little represent the City. The committee has met 12 times during the past two years. On October 13, 2005, the City Council adopted a resolution recommended by the joint committee establishing growth areas for both Greenville and Winterville. The resolution further charged the joint committee with developing an urban growth plan providing municipal and utility services within the designated growth areas. During its September 7, 2006 meeting, the joint committee unanimously recommended that the respective governing boards adopt the agreement. City Manager Bowers stated that he presented the proposed agreement to the City Council during the October 12, 2006 Council meeting. It was noted during the presentation that since the agreement involved establishing a boundary for future annexations, North Carolina law requires that, prior to adoption of such an agreement by any municipality, public notice must be given and a public hearing conducted. The agreement applies to annexations, extraterritorial jurisdiction extensions, and water/sewer services. It does not address electric or gas. The Greenville Utilities Commission Board approved the agreement on October 17, 2006. Since Greenville Utilities is not considered a municipality for annexation purposes, no public hearing was required. Winterville will conduct a public hearing and consider adoption on November 13, 2006. On October 30, 2006, the City advertised a public hearing for November 9, 2006. This is separate from the extraterritorial jurisdiction extension request discussed on October 30. The Committee recommends that the Council adopt the agreement.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Little and seconded by Council Member Craft to adopt the ordinance approving an annexation, extraterritorial jurisdiction, and water and sewer service with the Town of Winterville and Greenville Utilities Commission. Motion carried unanimously. (Ordinance No. 06-114)

PUBLIC COMMENT PERIOD

City Clerk Wanda Elks announced that no one had signed up to speak during the public comment period. Mayor Parrott asked if anyone was present who wished to speak and no one stepped forward.

OFFER BY GARRIS EVANS LUMBER COMPANY TO PURCHASE PROPERTY IDENTIFIED AS THE KEEL WAREHOUSE PROPERTY – APPROVED

City Attorney Holec stated that at the September 25, 2006 meeting, City Council approved a resolution which authorized the sale of the Keel Warehouse property by the negotiated offer, advertisement, and upset bid method with the offer of Garriss Evans Lumber Company, as contained in the Offer to Purchase and Contract from Garriss Evans Lumber Company dated September 13, 2006, serving as the negotiated officer. Garriss Evans Lumber Company submitted the required deposit of five percent of the amount of the offer on October 10, 2006, and a Notice of the Offer and Request for Upset Bids was published on October 9, 2006. No upset bids were received by the deadline for submittal. Council now has the authority to accept or reject the offer of Garriss Evans Lumber Company. The offer of Garriss Evans Lumber Company is to pay \$200,000. The offer provides for the retention by the City of a 15-foot wide landscape easement along the entire frontage of Dickinson Avenue and extending 100 feet southwardly on both Watauga Avenue and Skinner Street and a sewer easement which traverses the property. Additionally, the offer provides that the City is responsible for the demolition, at its expense, of the warehouse to the concrete slab. The City received this property from three different persons with two of the persons basically making a gift. The purchase price to the City for the property amounted to \$104,610, and the City has incurred a demolition expense of \$67,760 to date. There will be additional expenses to demolish the remaining warehouse. The offer contains conditions which would allow the Company to back out of the sale if not fulfilled within a specified timeframe after the City decides to accept the offer.

- An amendment be approved to the City's Zoning Ordinance which would allow outside storage connected with a building supply and lumber sales use for the property. Currently, one-half of the property near Dickinson Avenue is located in the CDF district, which does not allow outside storage, while the back half is zoned Industrial, which does allow outside storage. The most appropriate amendment would be to add this as a special use in the CDF district with restrictive conditions. It is acceptable that such a condition be placed on the sale, but having the condition in place does not bind City Council to approve the amendment when the Company pursues the amendment.
- Watauga Avenue be closed from the railroad right-of-way for a distance of approximately 180 feet to a point approximately 100 feet southerly of Broad Street. This would make the

company's property contiguous. It is acceptable that such a condition be placed on the sale, but having the condition in place does not bind the City to approve it when the Company pursues the closure.

Motion was made by Council Member Craft and seconded by Council Member Spell to accept the offer by Garris Evans Lumber Company to purchase property identified as the Keel Warehouse Property. Motion carried unanimously. (Contract No. 1551)

RENAMING OF ELM STREET GYM AS THE DREW STEELE SPECIAL NEEDS CENTER
- APPROVED

Mr. Boyd Lee, Director of Recreation and Parks, informed the Council that in January he was called to meet Mike Steele, Henry Hinton, Ray Craft and Skip Holtz, who wanted to raise money for special programs in Greenville. The golf tournament was organized and \$200,000 was raised. After expenses, the net was \$165,000 to be used for special needs programs. The committee discussed having a long-range and short-range goal each year. The short-term goal for this year was to make playgrounds accessible to the handicapped, and \$15,000 was set aside for that purpose (installing sidewalks from the playground to the parking lot at such parks as Thomas Foreman Park, Westhaven Park, and Peppermint Park). The long-term goal was to build a center for special needs for people in the community with handicaps. This has been needed for a long time, and the City hasn't been able to fund it. Thus, \$150,000 of the money from the golf tournament has been set aside for this particular project. The committee look at four sites—Boyd Lee Park, Elm Street Gym, Perkins Park, and Jaycee Park. To be ahead of the game, a gymnasium was needed. Thus, Elm Street was picked so they can go ahead and get the park underway. Jimmy Hite is donating services to design the facility, which will be done in phases so that as the group raises money, it will be put toward this facility. The projected cost is approximately \$1 million, which will all be raised by the golf tournament. The Recreation and Parks Commission recommends that once construction begins, it be named the Drew Steele Center. There is enough space on all sides of the gym to add rooms around the building and not disturb the present parking. It is a very good design. The building was built 40 years ago and is in need of refurbishing. There is plenty of room to expand the building.

Mayor Parrott stated that David Vaughn has put a lot of time and effort into this. He thanked Mr. Vaughn for his hard work.

Motion was made by Council Member Little and seconded by Council Member Dunn to approve the Recreation & Parks Commission's recommendation that Elm Street Gym be renamed The Drew Steele Special Needs Center once the renovations have begun. Motion carried unanimously.

CONFIRM THE RECREATION AND PARKS COMMISSION'S DECISION TO LOCATE THE CHALLENGER BASEBALL FIELD AT ELM STREET PARK

Mr. Boyd Lee, Director of Recreation and Parks, stated that when Little League started last year, the Challenger League was begun for special populations people to be able to play baseball. It worked out where the Little League players coach and help the challenged kids learn the fundamentals of baseball. They don't have a good place for them to play as far as wheelchairs, etc. David Vaughn has agreed to help build a field.

Mr. David Vaughn, who has a handicapped daughter, stated that he has coached Little League for seven years. He recently saw a miracle field on a television show and decided that he was going to build one in Greenville to pay back the Little League for all the rewards he has received. After going through several channels to determine how this could be done, including contacting UNC-TV that aired the program, he invited Mike Steele, who invited Skip Holtz, to go to Cary to see their Challenger baseball field. Seeing that field gave them the determination they needed to build one in Greenville. There are two parts to creating a Challenger field—finding the proper location and having inclusion of the Greenville Little League. There can't be one without the other. There have been a lot of conversations about the field, and everyone has given their blessing. They would like to have it at Elm Street, with concession stands and restrooms between the areas. He would like to have an observation deck, with a place for the handicapped children to get out of the sun and weather. He will put in a sidewalk in all areas needed. He has done a lot of homework. A woman from a church said the church wanted to build a handicapped playground and has the funds to do so. There are a lot of people who will donate to the cause, and he has found a group that will come from out of state to build an observation deck. He hasn't asked anyone for anything yet. There will be a lot of open area for the park and he will put it wherever it satisfies the City and the Little League.

Council Member Craft informed the Council that when this project is completed, the private investment could easily reach \$1.5 million. He told Mr. Vaughn that he appreciated his vision and has a deep respect for him.

Mr. Lee stated that he has one request that needs approval from City Council is to build restrooms and concession stands. Mr. Vaughn's group is committed to doing the field, etc. The park has been needing restrooms, etc. There is about \$125,000 set aside in this year's budget for Boyd Lee Park. Mr. Lee recommended that those funds be transferred to construct restrooms at Elm Street Park.

Motion was made by Council Member Craft and seconded by Council Member Dunn to confirm the Recreation and Parks Commission's decision to locate the Challenger Field at Elm Street Park and to approve that \$125,000 be transferred from H. Boyd Lee Park to Elm Street Park for restrooms. Motion carried unanimously.

Council Member Glover stated that it is wonderful for someone to consider the special needs children. This is an excellent idea.

Mr. Drew Steele thanked Skip Holtz, Ray Craft, Chip Little, his father, and everybody for everything.

AMENDMENT OF GREENVILLE UTILITIES COMMISSION'S ELECTRIC CAPITAL PROJECTS BUDGETS FOR THE MT. PLEASANT SUBSTATION AND THE MT. PLEASANT TRANSMISSION LINE - ADOPTED

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance amending the Greenville Utilities Commission's Electric Capital Projects Budget for the Mt. Pleasant Substation. Motion carried unanimously. (Ordinance No. 06-115)

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance amending the Greenville Utilities Commission's Electric Capital Projects Budget for the Mt. Pleasant Transmission Line. Motion carried unanimously. (Ordinance No. 06-116)

PLAN MODIFICATIONS TO THE MUNICIPAL/ADMINISTRATIVE FACILITIES CAPITAL PROJECT - APPROVED

Mr. Tom Tysinger, Director of Public Works, stated that renovations of the Municipal Building are about 60% complete. During the course of the project, two issues have come up that were not planned for. One is the reorganization of City operations, which resulted in moving Neighborhood Services from the Police Department to the Code Enforcement Division of the Community Development Department. This organizational change has resulted in the need for additional offices, restrooms and associated common space within the Municipal Building at a cost of \$438,300. Fortunately, the space is available; however, the renovation of this space is not a part of the current construction contract. In an effort to minimize cost, the decision was made not to proceed with renovating the third floor of the Municipal Building as part of the current construction contract with the thought that this area would be used as storage until such time as additional office space was needed. Renovation of the third floor involves the work of all trades—plumbing, mechanical, electrical, and general building construction—as well as additional work by the project architect/engineers in designing the work. The second unexpected issue came about as value-engineering decisions regarding the heating, ventilation and air conditioning resulted in different mechanical equipment being located on the roof of City Hall than originally planned. This also resulted in more of the rooftop mechanical equipment being visible from the ground level. Additional roof screening has been proposed to address this condition, which involves just general building construction type work. There was an opportunity to add roof screen at approximately \$120,150. Over the course of the COPS project, \$562,000 has been earned to date. Mr. Tysinger recommended using those funds to pay for the third floor renovations and the additional roof screening.

Motion was made by Council Member Dunn and seconded by Council Member Glover to approve the proposed plan modifications for the Municipal/Administrative Facilities Capital Project and increase the total project budget by the amount of \$558,550. Motion carried unanimously.

BUDGET ORDINANCE AMENDMENT #4 TO THE 2006-2007 CITY OF GREENVILLE
BUDGET AND BUDGET ORDINANCE AMENDMENT FOR THE MUNICIPAL/
ADMINISTRATIVE FACILITIES CAPITAL PROJECT - ADOPTED

Motion was made by Council Member Little and seconded by Council Member Spell to adopt the ordinance approving budget ordinance amendment #4 to the 2006-2007 City of Greenville budget. Motion carried unanimously. (Ordinance No. 06-118)

Motion was made by Council Member Spell and seconded by Council Member Spell to adopt the ordinance approving the budget ordinance amendment to the Municipal/Administrative Facilities Capital Project. Motion carried unanimously. (Ordinance No. 06-119)

AWARD OF CONTRACT FOR AQUATICS AND FITNESS CENTER POOL RENOVATION
- APPROVED

Motion was made by Council Member Craft and seconded by Council Member Little to award the contract for the pool renovation to Miracle Pools, Inc. in the amount of \$318,875. Motion carried unanimously.

AUTHORIZATION TO SUBMIT APPLICATION TO THE EPA FOR A COMMUNITYWIDE
BROWNFIELD ASSESSMENT GRANT

Motion was made by Council Member Dunn and seconded by Council Member Spell to authorize staff to submit an application to the EPA for a Communitywide Brownfield Assessment Grant. Motion carried unanimously.

COMMENTS FROM MAYOR AND CITY COUNCIL

Council Member Little reminded everyone that Saturday is Veterans Day. He reminded everyone of the activities that will be going on, encouraged parents to bring their school-aged children to the events, and read a Veterans Day poem.

Council Member Spell encouraged everyone to participate in the Veterans Day activities and stated that the Community Band will be playing at Wright Auditorium at 6:30. He thanked the veterans in his own family. Council Member Spell also thanked the people who have done wonderful work for special populations. He thanked Council Member Craft for his efforts in this regard.

Council Member Craft acknowledged that last week the ribbon was cut for Paramore Park. He expressed his appreciation to Council Member Little for having the vision to seek that land for the park and he also thanked Bill Clark for the donation.

Council Member Dunn thanked all of those who have been a part of helping special populations.

Council Member Glover thanked the veterans who have served in the war, particularly family members. She stated that there will be a Black Leadership Summit at Eppes Recreation Center

on Saturday from 10 until 3. She encouraged people to come out and participate. She thanked Council Member Dunn for participating in the Veterans Day ceremony for her.

Mayor Parrott stated that there will also be a salute to the veterans at the Marshall game on Saturday. He encouraged people to come to the parade and ceremony on the Town Commons at 11:00 Saturday. Mayor Parrott announced that it is the City Manager's birthday.

CITY MANAGER'S REPORT

City Manager Bowers stated that the Greenville Civitan Club had recognized Boyd Lee as Citizen of the Year.

City Manager Bowers stated that the 2006 Caring is Sharing Food Drive is underway. Nonperishables will be accepted until November 15.

City Manager Bowers concluded his remarks by stating that there is no need for the scheduled November 20, 2006 City Council meeting.

Motion was made by Council Member Dunn and seconded by Council Member Craft to cancel the November 20, 2006 City Council meeting. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Spell and seconded by Council Member Little to adjourn the meeting at 8:40 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks
City Clerk